

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES - *Amended*
February 19, 2015

Members Present

Bryan Provencal, Chairman
Norma Collins, Clerk
Ed St. Pierre
Ken Lessard, Alternate
Matt Shaw, Alternate

Others Present

Joan Rice, Secretary

Chairman Provencal called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said.

Chairman Provencal introduced the members of the Board.

PETITION SESSION

02-15...The continued petition of Jerome D. & Karen L. Prevost for property located at 3 Perkins Avenue seeking relief from Article IV, Section 4.5.2 (side setback) to construct exterior stairs to the east and west of the existing building where the side setbacks cannot be met. This property is located on Map 293, Lot 29 and in the RB Zone.

At this time Ken Lessard stepped down from the Board.

Jerome and Karen Prevost, Petitioners, and Attorney Stephen Ells came forward. Attorney Ells said the variance asked for was previously for both the east and west sides of the existing building. However, it has been determined that relief is not needed for the east side. Attorney Ells said the addition of the proposed stairs will have no impact on the value of surrounding properties. The abutters will not be impacted. Literal enforcement of the ordinance would create a hardship for the applicants. The property cannot be reasonably used without this variance. Attorney Ells went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre suggested the use of granite as it would not require a variance. Attorney Ells replied that they have not really decided what they will do. Ms. Collins asked if they were asking for a variance for the east. Attorney Ells said they were not.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. Shaw, seconded by Ms. Collins, to grant Petition 02-15 with the stipulation that the stairs be put on the west side of the building.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 4 yes, 0 no. Motion passed unanimously.

At this time Mr. Lessard stepped up to the Board.

07-15...The petition of Brian & Maryann O'Regan for property located at 67 Acorn Rd. seeking relief from Article(s) 1.3 – VIII as to 8.2.3 and 4.5.2 to change roof line of bathroom from low pitch shed roof to a gable dormer roof. No window on proposed new gable end. This property is located on Map 134, Lot 50 and in the RB Zone.

Brian and Maryann O'Regan, Petitioners, came forward. Mr. O'Regan said the footprint would not be expanded and the height would not be exceeded. Currently there is not adequate headroom or adequate pitch for rain or snow load. Mr. O'Regan went through the five criteria and said he felt they had been met.

Questions from the Board

There were no questions from the Board.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. St. Pierre asked if there would be any more encroachment on adjoining properties. Mr. O'Regan said there would not be as they were staying within the current footprint.

Moved by Mr. St. Pierre, seconded by Mr. Lessard, to grant Petition 07-15.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 5 yes, 0 no. Motion passed unanimously.

08-15...The petition of Timothy & Suzanne Plouffe for property located at 88 Leavitt Rd. seeking relief from Article(s) 4.1, 4.1.1, 4.2, 4.3 and footnote 22 to subdivide an existing lot into two lots where the new lot does not meet the required street frontage, lot width and square footage. This property is located on Map 206, Lot 8 and in the RA Zone.

Timothy and Suzanne Plouffe, Petitioners, and Attorney Michael McCarthy came forward. Attorney McCarthy said the applicants wish to construct a building for storage or possibly another dwelling on the subdivided lot. The two lots are similar in size to other lots in the subdivision. The character of the neighborhood would not be changed. It is a reasonable use of the land. Attorney McCarthy went through the five criteria and said he felt they had been met.

Questions from the Board

Chairman Provencal noted that Mr. Plouffe was opposed to the project across the street and asked how this was different. Mr. Plouffe said the project across the street was more attractive than he thought and he has changed his mind.

Comments from the Audience

Kirk Fachand came forward. He said he is an abutter to the rear. Mr. Fachand said there is a 15-foot drainage easement and the existence of this easement would preclude a structure being built there. The problem also is not knowing what will be built here and the impact. Chairman Provencal asked Mr. Fachand if he would be opposed to a home being built here. Mr. Fachand replied he would not necessarily be opposed to that and could see a scenario where it could be an improvement. Chairman Provencal said the Petitioner is not required to tell the Board what will be built on the lot.

Back to the Board

Mr. St. Pierre said he saw this as a unique situation and felt it was similar in size to others in the neighborhood. Mr. St. Pierre said it would be his preference that if a separate lot is created that they build within the zoning regulations and not come back for a variance.

Moved by Mr. Lessard, seconded by Mr. St. Pierre, to grant Petition 08-15 with the stipulation that no further variances are to be requested.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 5 yes, 0 no. Motion passed unanimously.

09-15...The petition of David E. Sharples for property located at 40 Boars Head Terrace seeking relief from Article(s) 4.5.1, 4.5.2 and 4.5.3 to remove existing single-family dwelling and replace with new single-family dwelling. This property is located on Map 267, Lot 6 and in the RA Zone.

Mr. St. Pierre stated that although this project was close to his house, it was not in his periphery and he felt he could sit impartially.

David Sharples, Petitioner, came forward. Mr. Sharples said the existing structure has three bedrooms, two bathrooms, two living rooms and a kitchen. There have been constant moisture issues. This structure is built on a slab and there is a need for a full foundation. Also, there is no interior staircase in this building. Mr. Sharples said he decided it was better to tear this structure down and rebuild. Mr. Sharples noted that there would be a hardship if he had to keep the exterior staircase or try to put a staircase inside where there is not sufficient space. Mr. Sharples went through the five criteria and said he felt they had been met.

Questions from the Board

Ms. Collins said the size of the new proposed structure would be quite a bit larger. Mr. Sharples said it would be an addition of approximately 200 square feet.

Mr. St. Pierre asked why the proposed structure was not centered in this lot. Mr. St. Pierre said he was wondering why this couldn't be moved over. Mr. Sharples said he would not be opposed to that. Mr. St. Pierre said by shifting the structure the rear setback would also be improved.

Comments from the Audience

Thomas Laszewski, 4 Sunsurf Avenue, said he was in favor of this project. It will be an improvement for the neighborhood.

Back to the Board

Moved by Mr. Shaw, seconded by Mr. Lessard, to grant Petition 09-15 with the stipulation that the setback on the west be four feet to the building excluding the drip edge.

Chairman Provencal asked the Board if they felt the five criteria had been met. Chairman Provencal, Mr. St. Pierre, Mr. Lessard and Mr. Shaw said they felt that they had. Ms. Collins said she did not feel the criteria had been met because she believes the setback should be four feet including the drip edge.

Hampton Zoning Board of Adjustment
February 19, 2015
Page 5

Vote: 4 yes, 1 no (Collins). Motion passed.

BUSINESS SESSION

Approval of Minutes

Moved by Mr. Lessard, seconded by Mr. St. Pierre, to approve the Minutes of January 15, 2015 as amended.

Vote: 4 yes, 0 no, 1 abstention (Shaw). Motion passed.

Adjournment

Moved by Mr. Lessard, seconded by Mr. St. Pierre, to adjourn the meeting at 8:53 p.m.

Respectfully submitted,

Joan Rice
Secretary